

REMARKS

Claims 2-10, 15, 17-19, 21 and 24 are now presented for consideration in the application, with Claims 11-14, 16 and 22-23 having been withdrawn from consideration. Claims 2, 21 and 24 have been amended in this paper. Claims 2, 21 and 24 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 101

Claims 2-10 and 17-19 are rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter. In order to more clearly incorporate statutory subject matter in claim 2, the claim has been amended to recite that (a) the determining of base information includes a server computer retrieving at least some of the base information from a database; (b) the determining information associated with the additional mortgage loan includes the server computer receiving such information from a user terminal; and (c) the server computer calculates the loan spread. Support for these amendments is found at page 8, lines 8-27 and page 9, line 18 to page 10, line 11 of the specification of this application.

At least as now presented, claim 2 is believed to clearly recite statutory subject matter. The Examiner is therefore respectfully requested to reconsider and withdraw this rejection.¹

Claim Rejections – 35 USC § 103

Claims 2-10, 15, 17-19, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (U.S. Patent No. 6,249,775) in view of Wheatworks – (Version History: LoanSpread Financial Calculator, at <http://www.wheatworks.com/versionhistorylscp.htm>), and further in view of Charles D. Brown Letter re Fitch Ratings (“Brown”).

¹ Applicant also respectfully cautions the Examiner against relying upon the case authorities cited in the pending Office Action with respect to rejections under § 101. Applicant believes that those authorities have been superceded by the *Bilski* case, which is now the leading case on § 101. Applicant also notes that under *Bilski* a method claim is to be held statutory if the claimed subject matter is tied to another category of statutory subject matter. Claim 2 clearly satisfies this requirement with its recitation of functions performed by a server computer and a user terminal.

Applicant respectfully notes that claim 2, among other limitations, recites that each credit rating category is associated with a current category size. Applicants submit that this limitation is not present in the prior art cited by the Examiner. The Examiner cited column 14, lines 16-21 of the Freeman reference as allegedly pertinent to this limitation. However, this passage in Freeman only indicates that portfolio performance depends on credit bureau scores. The passage does not in any way refer to category sizes being associated with credit rating categories. Thus, at least in this respect, the rejection of claim 2 is believed to be significantly flawed.

Nevertheless, and in order to more rapidly advance this case to allowance, applicant has now amended claim 2 (and the other independent claims 21 and 24) to recite that the loan spread is calculated in accordance with an indication from a user as to whether a particular one of the credit rating categories is to be calculated. Support for this amendment is found at page 9, lines 14-17 of the specification of this application.

Applicant believes that this newly added limitation of the independent claims is not disclosed in the prior art of record. At least on this ground, it is submitted that the rejection of the independent claims should be reconsidered and withdrawn. The dependent claims are submitted as patentable on the same basis as the independent claims.

C O N C L U S I O N

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

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